

From: Dr. Mark Waldman
To: Microsoft ATR
Date: 11/24/01 9:17am
Subject: Microsoft Settlement

Dear Sirs:

I have read the Competitive Impact Statement

<<http://www.usdoj.gov/atr/cases/f9500/9549.htm>>

Can you point me to a more concise Competitive Impact Statement and also, one that compares the Penfield Remedy (Microsoft breakup) with the current remedy (WatchDog policing) and how the two remedies will affect future competition? The current Impact Statement has no such comparative analysis.

The Jackson Remedy called for breaking up Microsoft into two companies: An "operating system company" and a "software application company". In contrast, the current remedy leaves Microsoft intact and sets up a WatchDog Monitoring System. Why was the Jackson Remedy rejected? Which remedy will work better in ensuring free competition and stopping Microsoft from engaging in predatory activities? Do you have such an analysis? Can you send it to me, please, or post it on www.usdoj.gov?

At the moment, after an admittedly cursory analysis, it appears to me that the Penfield Remedy relies, ultimately, on market forces to stop Microsoft from engaging in monopolistic activities; the current remedy, on the other hand, relies on a WatchDog Committee. Market forces are almost always more powerful than WatchDog Committees. Market forces are made up of millions of consumers; WatchDog Committees are made up of only a few people and, in general, fail in enforcing anti-trust remedies like those being proposed. An example of this failure is the 1998 antitrust settlement against Microsoft which Microsoft simply ignored. Your comments, please.

Sincerely,

Mark Waldman

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